

Message

From: Freise, Clark [Clark.Freise@des.nh.gov]
Sent: 8/31/2018 2:30:06 PM
To: Dunn, Alexandra [dunn.alexandra@epa.gov]; Grevatt, Peter [Grevatt.Peter@epa.gov]
Subject: RE: John Flatley Development and removal of contaminated soils to Londonderry/Litchfield area ; Mohawk Tannery Meeting Weds.

Alex and Peter,

Just so you are aware, I am providing a response to Mr. Provencher and Mr. Daly today. I do not believe that you need to respond to them.

Best regards,
Clark

From: Don Provencher [mailto:Don@Provencher.com]
Sent: Tuesday, August 28, 2018 12:23 PM
To: Freise, Clark; geoffdaly@mkd-usa.com
Cc: Kernan, Brandon; Atwell, LeaAnne; Durgin, Kimberly; 'Rusty Russell'; 'gene porter'; 'Dunn, Alexandra'; 'Grevatt, Peter'; wolfram@vonschoen.de; 'Laurene Allen'; 'Klee, Patricia'
Subject: RE: John Flatley Development and removal of contaminated soils to Londonderry/Litchfield area ; Mohawk Tannery Meeting Weds.

Hi Clark & Geoff:

I wanted to add my thoughts on the subject, in hopes that they can be addressed as well.

Geoff, thanks for bringing this topic up. I have been wondering the same thing regarding the relationship between the PFOA/PFOS risk-based direct contact soil screening level of 500 ug/kg, versus the Ambient Groundwater Quality Standard (AGQS) of 70 ng/L. The 500 ug/kg soil standard has nothing to do with the groundwater limit of 70 ng/L, because the soil limit is only a direct human contact screening level, does not consider the leaching potential of contaminants passing from the soil into groundwater, and therefore is not appropriate to be used as an indicator of potential for groundwater contamination, because that soil limit is much too high!

Clark, I attach the DES letter dated May 14, 2018 from Karlee Kenison (DES Hazardous Waste Remediation Bureau) to John Flatley. As you know, bullet no. 4 indicates that the highest soil concentration found on Flatley property was 120 ug/kg (well below the 500 ug/kg limit). That letter references other states soil limits as low as 1.5 -7.5 ug/kg that **ARE related to the protection of groundwater**. The letter also states that "*NHDES does not know if the levels of PFAS present in site soils pose a risk to groundwater quality.*" I find that statement to be incorrect, and I offer the following for your consideration toward that assertion.

Clark, I understand as you and I have discussed, that some of the groundwater contamination at SGPP / Flatley might be a result of PFAS plumes from releases of PFAS directly into the groundwater. However, consider for example, the PFAS contamination in Litchfield. I believe we would all agree that contaminated groundwater above 70 ng/L in Litchfield **could NOT** be a result of a PFAS releases to the groundwater causing groundwater plumes flowing across the Merrimack River from SGPP to Litchfield.

Therefore, as it has been generally accepted and stated by DES that Litchfield groundwater contamination is a result of air borne PFAS emissions from SGPP, the only way for the Litchfield groundwater contamination to exist is due to the air emissions contaminating the soil through which precipitation passes, and contaminates the groundwater. Consequently, that is proof that levels of soil contamination much lower than 500 ug/kg causes groundwater contamination. If there is another hypothesis for this contamination, I would like to hear it.

Similar to the groundwater limits being lowered from 400, to 100, now at 70, and with other reports currently suggesting limits at high single digits of PFAS, it is obvious that the soil limits need to be lowered to reflect the potential for leaching of contaminants into the groundwater. I think that research on this topic would be a timely and high priority subject for our newly hired toxicologist to evaluate, along with the lowering of the ambient groundwater quality standards in an effort to set MCLs or both soil and groundwater.

Once the dust settles out, like the decreasing groundwater limits, I believe (hope) that the soil limits are likely to be reduced significantly, when consideration is given to the contaminated soils leaching impacts to the groundwater, and not just considering the direct human contact soil limit. There is no other explanation given the facts we've observed, particularly in Litchfield. Unfortunately, I am concerned, despite DES's prudent and strong recommendation that Flatley not export soils off of the site, that Flatley may consider the fact that since they have been told that their soil is below the 500 ug/kg human contact screening limit, that implies that soil at their site is not contaminated, and they may not care, or understand the difference between a human contact soil limit, versus a much lower leaching soil limit that causes contamination of the underlying groundwater, and consequently believes that exporting soils off of the site is not a problem, despite their statements to not remove soil.

Consequently, in my opinion, I believe it would be prudent to advise Flatley that it is possible, or hopefully likely, that leaching-based soil limits could / will be implemented in the future, at much lower limits than the direct human contact limit of 500 ug/kg, which would render their soils to be contaminated, and that they could be responsible retroactively for the potential remediation of all parties receiving these contaminated soils from Flatley. It is possible / likely that groundwater contamination can be expected at those site in the future, depending on the amount of soil received. From photographic evidence and personal recounts that I have seen and heard from our concerned citizens, it is apparent that soil is leaving the site! That soil export although discouraged, remains entirely legal today.

The intent of the point of my e-mail here, is that I am trying to head off the next DES "witch hunt", where we will again be using DES resources in tracking down after the fact, where any soil leaving the site has gone, and we will all be left to deal with the environmental, public safety, public perception, and groundwater contamination issues that have been allowed to happen, and all the fallout associated, at all of those receiving locations. I trust that this is an endeavor DES would like to try to avoid, unless it is already too late, as this is likely to apply to other sites across the entire state.

Thanks for your time. Don

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-----Original Message-----

From: Freise, Clark [mailto:Clark.Freise@des.nh.gov]

Sent: Tuesday, August 28, 2018 9:28 AM

To: geoffdaly@mkd-usa.com

Cc: Kernan, Brandon <Brandon.Kernan@des.nh.gov>; Atwell, LeaAnne <LeaAnne.Atwell@des.nh.gov>; Durgin, Kimberly <Kimberly.Durgin@des.nh.gov>; 'Rusty Russell' <rrussell@merrimack.org>; [Personal Email / Ex. 6]
don@provencher.com; 'Dunn, Alexandra' <dunn.alexandra@epa.gov>; 'Grevatt, Peter' <Grevatt.Peter@epa.gov>; wolfram@vonschoen.de; [Personal Email / Ex. 6] Klee, Patricia' <KleeP@nashuanh.gov>

Subject: RE: John Flatley Development and removal of contaminated soils to Londonderry/Litchfield area ; Mohawk Tannery Meeting Weds.

Geoff

I am out of the office until Friday. Is it OK if I get you your response on Friday?

Best regards
Clark

Sent with BlackBerry Work
(www.blackberry.com)

From: Geoff Daly <geoffdaly@mkd-usa.com<mailto:geoffdaly@mkd-usa.com>>
Date: Monday, Aug 27, 2018, 5:55 PM
To: Freise, Clark <Clark.Freise@des.nh.gov<mailto:Clark.Freise@des.nh.gov>>
Cc: Kernan, Brandon <Brandon.Kernan@des.nh.gov<mailto:Brandon.Kernan@des.nh.gov>>, Atwell, LeaAnne <LeaAnne.Atwell@des.nh.gov<mailto:LeaAnne.Atwell@des.nh.gov>>, Durgin, Kimberly <Kimberly.Durgin@des.nh.gov<mailto:Kimberly.Durgin@des.nh.gov>>, 'Rusty Russell' <rrussell@merrimack.org<mailto:rrussell@merrimack.org>>, 'gene porter' <Personal Email / Ex. 6>, don@provencher.com <don@provencher.com<mailto:don@provencher.com>>, 'Dunn, Alexandra' <dunn.alexandra@epa.gov<mailto:dunn.alexandra@epa.gov>>, 'Grevatt, Peter' <Grevatt.Peter@epa.gov<mailto:Grevatt.Peter@epa.gov>>, wolfram@vonschoen.de <wolfram@vonschoen.de<mailto:wolfram@vonschoen.de>>, 'Laurene Allen' <Personal Email / Ex. 6>, 'Klee, Patricia' <KleeP@nashuanh.gov<mailto:KleeP@nashuanh.gov>>
Subject: John Flatley Development and removal of contaminated soils to Londonderry/Litchfield area ; Mohawk Tannery Meeting Weds.

Good afternoon Clark,

I would like to know has the John Flatley Co, obtained the necessary permits to remove the PFAS Top soils from the current Development site [especially as NH DEA has issued a dust control letter to the company AND Non-removal of any of the [contaminated] Soils from, the whole Site?] Trucks (Hiltz-Plate # JHE115 NH is one of the trucks used) are leaving the site during the day and late in the PM, driving over to the Londonderry Fish and Game Club just off Lund St, where it is dumped.

Dust is still emanating from the site as they worked their last Saturday Aug 25th, 2018. Equipment was moving around delivering materials from various prior deliveries stacked on site and a lot of dust was flying [a back hoe was being used near the River side of the property for digging and soil moving].

* Industrial and Federal EPA/OSHA construction standards require all excavation and site work to employee "Dust Control Mitigation" by Code and prevent outside contamination from occurring from a site!

Is the Air division still monitoring the site or not?

As all the soils have been evaluated and tested by Golders, Barr and now GZA [As per NH DES requests] and found to be highly contaminated, some to the depth of 15 feet and this included ground waters. As confirmed in all three companies reports requested via NH DES and the Flatley Co.

Clarke, I have a question which has been put to the ASTDR/IRTC and CDC about PFAS in soils and ground water – being intertwined; in that the PFAS will percolate below the soils surface into the subsurface water/dendritic Aquifer Structures as a normal ground recharge and natural attenuation to flow downwards.

Based on the May 2016 EPA advisory whereby, the Lifetime Exposure to PFAS was lowered to 70 PPT from the original 400 to 500 PPT.

* Therefore logically, soils should also be at 70 PPT for the Lifetime Exposures and several folks at the CDC/ASTDR agree in principal, especially as there several areas on the Flatley are vernal wetlands near the Dumble Brook, which have tested very high for PFAS and would percolate via rains downwards.

All this is referenced to the Flatley Development of the 153 Acres, they have owned since 1933. When John Flatley Snr purchased the undeveloped land, which runs from the North next to the Powerlines crossing Rte. 3 all the way South to the Merrimack FD/Silo Restaurant and parallel to the Merrimack river.

* Flatley built for GE after the WWII the building you see now, to produce Transformers and Electrical Switch gear and move via the RR siding they had built [the Building was paid for by GE and Flatley leased the land under the building.

* GE than with agreement with Flatley transferred the Property Land lease with the Purchase/Sale of the building to ChemFab which eventually became Saint Gobain in the late 90's and remains as of today.

* I see from the latest Eurofins analysis of the GZA Wells on the Flatley site and along the Dumble Brook, are showing high # of PFAS [GZA well # 3 is reading 19,000 PPT and is extremely close to the damaged waste water pipes and the Storm drain that empties into the Merrimack – was flowing slowly the other day when we looked from our Kayaks on the Merrimack shore side below the outlet. [Please note PFAS has been found at the WW Plant for Merrimack and Nashua in low levels and end up in the Merrimack river]

* This land use is also of concern to many residents of Merrimack, in how did NHDES/EPA approval, be granted to the Flatley Co to build a development for Human Occupation and use in and around a known POLLUTER and contaminated soils [which will have young children traversing and play on, with possible Wells drilled to supply water if MVWD cannot or is unable to lay water distribution lines? [DOT has denied access alongside Rte. 3 for now?]

I look forward to hearing from you on the above

Will anyone from NH DES be attending the Mohawk Tannery EPA meeting here in Nashua this Wednesday at 6:30 PM.

Regards,

Geoff

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USA.

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